



# MONTEREY PENINSULA College

## ADMINISTRATIVE PROCEDURES

### Chapter 7 Human Resources

7346

#### AP 7346 Employees Called to Military Duty

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

##### **Leave**

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

##### **Salary**

Any district employee called to active duty who has been in the service of the District for at least one year will continue to receive their salary for the first 30 calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 calendar days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

- The difference between the amount of their military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that they would have received had they not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
- Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

##### **Health Benefits**

An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than 30 days may elect, at their expense, to continue health care coverage for themselves and their eligible dependents for a maximum period of 24 months.



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Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

### **Vacation and Sick Leave**

Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue, in accordance with collective bargaining agreements and board policy, to accrue vacation, sick leave and holiday privileges up to a maximum period of 180 days.

### **Reinstatement**

An employee on active duty military leave shall be entitled to return to the position held by them at the time of their entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District for more than one year, but had not yet become a regular academic employee of the District, they are entitled to return to the position for the period of time their contract of employment had to run at the time they entered military service.

In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave shall not be construed as a break in the continuity of service.

See also Board Policy 7340 - Leaves

**References:** *Education Code Sections 87018, 87700, 87832, and 88116;*  
*Military and Veterans Code Sections 389 et seq;*  
*38 U.S. Code Sections 4301 et seq.*

**Approved:** May 10, 2022